

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #9	CCRB Case #: 201801158	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 02/03/2018 11:40 PM	Location of Incident: 33rd Precinct stationhouse	Precinct: 33	18 Mo. SOL 8/3/2019	EO SOL 8/3/2019	
Date/Time CV Reported Sun, 02/04/2018 2:30 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/12/2018 11:14 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Mervin Bennett	00255	920019	033 PCT
2. POM Philip Robinson	10385	961181	033 PCT
3. POM Daniel Sanches	12164	961235	033 PCT
4. POM Joshua Moscoso	11260	960976	033 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Goldberg	13202	963545	033 PCT
2. POM Kevin Smith	10832	955508	033 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Mervin Bennett	Force: Sergeant Mervin Bennett used physical force against § 87(2)(b)	
B.POM Philip Robinson	Force: Police Officer Philip Robinson used physical force against § 87(2)(b)	
C.POM Daniel Sanches	Force: Police Officer Daniel Sanches used physical force against § 87(2)(b)	
D.POM Joshua Moscoso	Force: Police Officer Joshua Moscoso used physical force against § 87(2)(b)	

Case Summary

On February 4, 2018, Sgt. Mervin Bennett of the 33rd Precinct filed this complaint with IAB generating original log number 18-4750. There was no notation in the IAB log to indicate that § 87(2)(b) asked someone to file this complaint or expressed a desire to file a complaint on his own. The CCRB received this case on February 12, 2018.

No phone number for § 87(2)(b) was forwarded from IAB. On February 14, 2018, a search of LexisNexis was performed and one phone number was found. Five calls were placed to this number between February 15, 2018, and March 20, 2018. With three of the five calls, an automated system stated that the number was not in service. During the other two attempts, the call rang continuously with no answer or connection to a voice mailbox. On February 15, 2018, CLEAR and DMV searches were performed for additional contact information for § 87(2)(b) and two new phone numbers were identified. Calls were placed to both numbers on February 15, 2018. One number connected to an automated voice mailbox and a message was left requesting a call back. Four additional calls were placed to this number between February 20, 2018, and March 21, 2018. Half of the calls rang continuously without connecting to a recipient or voice mailbox. The remaining two calls connected to un-personalized voice mailboxes and voice messages were left requesting a call back. The second CLEAR phone number connected to the Verizon mailbox system. No voice messages could be left on the system. Four additional calls were placed to this number between February 20, 2018, and March 21, 2018. Each call yielded the same results. On February 15, 2018, a BADS search was performed for additional contact information for § 87(2)(b)'s cell phone number was listed in an arrest report from 2016. Five calls were placed to this number between February 15, 2018, and March 27, 2018. With each call, an automated system stated that the recipient had not set up a voice mailbox yet. The call was automatically disengaged by the system. A search of the CTS was performed on April 2, 2018, using § 87(2)(b)'s name and date of birth. The results showed that § 87(2)(b) has not filed nor been named in any previous complaints with the CCRB.

As per the search results from CLEAR, LexisNexis, BADS, and DMV, two mailing addresses were found to be currently associated with § 87(2)(b). Two letters were mailed to the first address on February 15, 2018, and February 28, 2018. Letters were mailed to the second address on February 28, 2018, and March 14, 2018. To date, no letters have been returned by the USPS.

As of April 2, 2018, a search of the DOC for NYC database reveals § 87(2)(b) was incarcerated on March 3, 2018, and was released on March 10, 2018. He is not currently incarcerated.

Video footage of this incident was obtained from the 33rd Precinct Stationhouse. It shows that while attempting to place § 87(2)(b) in handcuffs, § 87(2)(b) actively resisted by moving his arms and body away from the officers. The officers then took § 87(2)(b) to the ground and handcuffed him on the ground. § 87(2)(g)

§ 87(2)(g)

Squad No.: _____9_____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date